APPEAL NO. 030422
FILED MARCH 26, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq*. (1989 Act). A contested case hearing was held on January 13, 2003. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____, and because there was no compensable injury, the claimant had no disability. The claimant appeals those determinations and the respondent (carrier) responds, contending the claimant's appeal is untimely and otherwise urging affirmance.

DECISION

Affirmed.

We will address the procedural points first. After review of the file we are satisfied that the claimant's request for appeal was timely filed with the Texas Workers' Compensation Commission. Also, for the first time on appeal, the claimant requests that all the witnesses be administered lie detector examinations. There is no provision for using lie detector examinations to resolve workers' compensation disputes. In addition, a matter raised for the first time on appeal will not be considered. Texas Workers' Compensation Commission Appeal No. 91100, decided January 22, 1992. The claimant asserts that managers and supervisors were racially prejudiced against him and the hearing officer was biased. We find no support in the record for any of these assertions.

Essentially, the claimant quarrels with the manner in which the hearing officer gave weight and credibility to the evidence. The hearing officer is the sole judge of the relevance, materiality, weight, and credibility of the evidence presented at the hearing. Section 410.165(a). The decision should not be set aside because different inferences and conclusions may be drawn upon review, even when the record contains evidence that would lend itself to different inferences. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). An appeals-level body is not a fact finder and does not normally pass upon the credibility of witnesses or substitute its own judgment for that of the trier of fact, even if the evidence would support a different result. National Union Fire Insurance Company of Pittsburgh, Pennsylvania v. Soto, 819 S.W.2d 619, 620 (Tex. App.-El Paso 1991, writ denied); American Motorists Insurance Co. v. Volentine, 867 S.W.2d 170 (Tex. App.-Beaumont 1993, no writ). The record in this case presented conflicting evidence for the hearing officer to resolve. In considering all the evidence in the record, we cannot agree that the findings of the hearing officer are so against the great weight and preponderance of the evidence as to be manifestly wrong and unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We therefore affirm the decision and order.

The true corporate name of the insurance carrier is **INDEMNITY INSURANCE COMPANY OF NORTH AMERICA** and the name and address of its registered agent for service of process is

CT SYSTEM
800 BRAZOS
AUSTIN, TEXAS 78704.

_____
Roy L. Warren
Appeals Judge

CONCUR:

_____
Gary L. Kilgore
Appeals Judge

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Thomas A. Knapp
Appeals Judge